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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN BRADLEY DAVIS,

Defendant.

§ CRIMINAL NO. A07 CR 247 LY

INDICTMENT

§
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§
§ [Vio: 18 U.S.C. § 1030 – Fraud in
§ Connection with Computers;
§ 18 U.S.C. § 371 – Conspiracy;
§ 18 U.S.C. § 1029 – Fraud in Connection with
§ Access Devices;
§ 18 U.S.C. § 1028A – Aggravated Identity
§ Theft;
§ 18 U.S.C. § 1344 – Bank Fraud]

THE GRAND JURY CHARGES:

COUNT ONE
Fraud in Connection with Computers
[18 U.S.C. § 1030(a)(2)(A)]

On or about July 1, 2007, in the Western District of Texas and elsewhere, the Defendant,

STEPHEN BRADLEY DAVIS

did intentionally access a computer, namely, one or more computers used by FundsXpress, without authorization and exceeding authorized access, and did thereby obtain information contained in a financial record of a financial institution, which offense was committed for purposes of private financial gain and was committed in furtherance of a criminal act in violation of the Constitution and laws of the United States and of the State of Texas, namely: Forgery, contrary to Texas Penal Code, Section 32.21.

In violation of Title 18, United States Code, Sections 1030(a)(2)(A) and 1030(c)(2)(B).

COUNT TWO

Unlawful Access to a Protected Computer
[18 U.S.C. § 1030(a)(4)]

On or about July 1, 2007, in the Western District of Texas and elsewhere, the Defendant,

STEVEN BRADLEY DAVIS,

knowingly and with intent to defraud did access a protected computer, namely, one or more computers used by FundsXpress which is used in interstate and foreign commerce and communication, without authorization and did exceed authorized access to said protected computer, and by means of such conduct did further the intended fraud and did obtain a thing of value.

In violation of Title 18, United States Code, Sections 1030(a)(4).

COUNT THREE

Conspiracy
[18 U.S.C. § 371]

Beginning at least as early as July 1, 2007, and continuing until on or about November 21, 2007, in the Western District of Texas and elsewhere, the Defendant,

STEVEN BRADLEY DAVIS,

did unlawfully, knowingly, and willfully combine, conspire, confederate, and agree with one or more other persons known to the Grand Jury to commit an offense against the United States, namely:

to knowingly and with intent to defraud traffic in and use one or more unauthorized access devices during a one-year period, and by such conduct obtain a thing of value aggregating \$1000 or more during said period, affecting interstate or foreign commerce, contrary to Title 18, United States Code, Section 1029(a)(2);

to knowingly and with intent to defraud possess fifteen (15) or more devices which are counterfeit or unauthorized access devices, affecting interstate or foreign commerce, contrary to Title 18, United States Code, Section 1029(a)(3);

to knowingly and with intent to defraud effect transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during a one-year period the aggregate value of which is equal to or greater than \$1000, affecting interstate or foreign commerce, contrary to Title 18, United States Code, Section 1029(a)(5);

to knowingly execute a scheme or artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, or other property owned by, or under the custody or control of, a financial institution, by means of false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

MANNER AND MEANS

It was a purpose and object of the conspiracy and scheme to use and produce counterfeit checks and to use stolen checks, drawn on financial institutions, and to produce and use false identification documents to steal money and merchandise from merchants, financial institutions, and private individuals.

To accomplish this scheme, the Defendant and his co-conspirators used stolen financial information to produce counterfeit checks; stole checks or obtained stolen checks; fraudulently negotiated the counterfeit and stolen checks to obtain cash and merchandise; used fraudulent or stolen identification documents in connection with their use of the counterfeit and stolen checks.

OVERT ACTS

In order to effect the purpose and object of the conspiracy, the Defendant and his co-conspirators, individually and jointly, committed, caused to be committed, and aided and abetted the commission of the following overt acts in the Western District of Texas and elsewhere:

1. On or about July 1, 2007, in Austin, Texas, Defendant DAVIS did download without authorization numerous financial account numbers and routing numbers from a computer at FundsXpress.
2. On or about September 27, 2007, a co-conspirator, using a false identification document, did negotiate a counterfeit check in the amount of \$515.96 to a Wal-Mart store in Pflugerville, Texas, for the purchase of merchandise, which check contained an account number and bank routing number which had been downloaded without authorization by Defendant DAVIS on or about July 1, 2007.
3. On or about September 27, 2007, Defendant DAVIS and other co-conspirators did *travel* together to a Wal-Mart store in Pflugerville, Texas.
4. On or about September 27, 2007, a co-conspirator, using a false identification document, did negotiate a counterfeit check in the amount of \$531.95 to a Wal-Mart store in Pflugerville, Texas, for the purchase of merchandise, which check contained an account number and bank routing number which had been downloaded without authorization by Defendant DAVIS on

or about July 1, 2007.

5. On or about September 27, 2007, a co-conspirator, using a false identification document, did negotiate a counterfeit check in the amount of \$396.17, to a Wal-Mart store in Pflugerville, Texas, for the purchase of merchandise, which check contained an account number and bank routing number which had been downloaded without authorization by Defendant DAVIS on or about July 1, 2007.

6. On or about September 28, 2007, a co-conspirator, using a false identification document, did negotiate a counterfeit check in the amount of \$261.72 to BMW of Austin, Austin, Texas, for the purchase of merchandise, which check contained an account number and bank routing number which had been downloaded without authorization by Defendant DAVIS on or about July 1, 2007.

7. On or about November 15, 2007, Defendant DAVIS rented Room 191 at a Travel Lodge hotel in Austin, Texas.

8. On or about November 17, 2007, Defendant DAVIS and others left various items in Room 191 of the Travel Lodge hotel, including, but not limited to: documents appearing ^{to be} ~~resemble~~ Texas driver's licenses, and personal checks bearing the name of "Wooster" as the accountholder.

9. On or about November 17, 2007, a co-conspirator did possess one or more counterfeit and altered Texas driver's licenses bearing said co-conspirator's photograph and the names of other persons; one or more counterfeit checks; a laptop computer containing check-writing software; and identification documents bearing the photograph of a co-conspirator known to the Grand Jury and the names of other persons.

10. On or about November 19, 2007, Defendant DAVIS and one or more other persons

did attempt to negotiate a stolen or false and fraudulent check, bearing the name of "Wooster" as an accountholder, to a HEB grocery store in Round Rock, Texas, for the purchase of merchandise, which check contained an account number and bank routing number which had been downloaded without authorization by Defendant DAVIS on or about July 1, 2007.

All in violation of Title 18, United States Code, Section 371.

COUNT FOUR

Fraud in Connection with Access Devices
[18 U.S.C. § 1029(a)(2)]

During the one-year period beginning on or about November 22, 2006, and continuing until on or about November 21, 2007, in the Western District of Texas, the Defendant,

STEVEN BRADLEY DAVIS,

did knowingly and with intent to defraud traffic in and use one or more unauthorized access devices, namely, financial account numbers which were stolen and obtained with intent to defraud, and by such conduct did obtain a thing of value, namely, money and merchandise, aggregating \$1000 or more during said period, affecting interstate and foreign commerce, and did aid and abet the commission of said offense.

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

COUNT FIVE

Fraud in Connection with Access Devices
[18 U.S.C. § 1029(a)(3)]

Beginning at least as early as July 1, 2007, and continuing until on or about November 21, 2007, in the Western District of Texas, the Defendant,

STEVEN BRADLEY DAVIS,

did knowingly and with intent to defraud possess fifteen (15) or more unauthorized access devices, namely, financial account numbers which were stolen and obtained with intent to defraud, and did aid and abet the commission of said offense.

In violation of Title 18, United States Code, Sections 1029(a)(3) and 2.

COUNT SIX

Bank Fraud

[18 U.S.C. § 1344]

November 21, 2007

Beginning at least as early as July 1, 2007, and continuing until on or about November 21, 2007, in the Western District of Texas, the Defendant,

STEVEN BRADLEY DAVIS,

did knowingly execute a scheme and artifice to defraud a financial institution and to obtain any of the moneys, funds, credits, and other property owned by, and under the custody or control of, a financial institution, by means of false and fraudulent pretenses, representations, and promises, and did aid and abet the commission of said offense.

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNT SEVEN
Aggravated Identity Theft
[18 U.S.C. § 1028A(a)(1)]

Beginning at least as early as July 1, 2007, and continuing until on or about November 21, 2007, in the Western District of Texas, the Defendant,

STEVEN BRADLEY DAVIS,

during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), namely, one or more of the offenses set forth in Counts Four, Five, and Six of this Indictment, did knowingly possess, use, and transfer, without lawful authority, a means of identification of another person, and did aid and abet the commission of said offense.

In violation of Title 18, United States Code, Sections 1028A(a)(1) and 2.

A TRUE BILL:

A true copy of the original document
SIGNATURE REQUESTED PURSUANT
TO E-GOVERNMENT ACT OF 2002
By _____
FOREPERSON Deputy Clerk

JOHNNY SUTTON
United States Attorney

By:


MATTHEW B. DEVLIN
Assistant United States Attorney